

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11608 OF 2006

13.06.2006

Between:

Smt.S.Mannamma, W/o.Srinivas Reddy

And another

... Petitioners

AND

J.Muralidhar, Adopted son of Amarnath Sastry,

And others

... Respondents

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ORDER:

The two petitioners assail the order of the second respondent dated 11.4.2006 whereby and whereunder in exercise of powers under Section 5(5) of A.P. Rights in Land and Pattadar Passbooks Act, 1971 (the Act, for brevity), appeal filed by the petitioners against the proceedings of the third respondent dated 12.7.2004 was dismissed. Be it noted that by the later proceedings, the Mandal Revenue Officer (MRO), recognized the first respondent as the successor of late Amaranath Sastry by reason of adoption for effecting mutation in respect of land admeasuring Acs.10.12 guntas in survey No.371 situated at Gowdavalli village of Medchal Mandal in Ranga Reddy District.

The first respondent herein filed an application under Section 5(2) of the Act before the third respondent. He claimed that he is adopted son of J. Amaranath Sastry and that he is the sole representative after death of his father, who is the original pattadar. After conducting enquiry, the third respondent issued orders directing the Mandal Revenue Inspector and Panchayat Secretary to carry out the changes as required under Rule 18(3) of A.P. Rights in Land and Pattadar Passbooks Rules,

1989 (the Rules, for brevity). Aggrieved by the same, the petitioners herein preferred appeal under Section 5(5) of the Act, alleging that the MRO is not competent to grant succession, that the order was passed without considering various objections raised by the petitioners and that there are other proceedings pending between the parties before various authorities. The second respondent considered these aspects and having considered the evidence produced by the first respondent dismissed the appeal filed by the petitioners.

In this writ petition, learned Counsel for the petitioners vehemently contends that respondents 2 and 3 have no jurisdiction to decide the dispute regarding succession and, therefore, the orders cannot be sustained. He further contends that the suit being O.S.No.1275 of 2004, in which the second respondent herein is a party, is pending on the file of the Court of the II Additional Senior Civil Judge, Ranga Reddy District and, therefore, mutation cannot be effected in favour of the first respondent. Learned Counsel for the petitioners, however, does not dispute that against the order passed by the second respondent herein under Section 5(5) of the Act, revision would lie under Section 9 of the Act to the Joint Collector.

After hearing the learned Counsel for the petitioners and perusing the material placed before this Court, this Court is not inclined to interfere at this stage. It is well settled that when there is effective alternative remedy provided by the statute, under which the parties are claiming their rights, it would not be proper for the writ Court to interfere in the matter. The petitioners are given liberty to file appeal before the Joint Collector having jurisdiction over the matter. As and when such revision petition is filed, the Joint Collector may consider the revision petition and pass appropriate orders, after giving notice to the first respondent, in accordance with law.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

June 13, 2006

YS